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| 10/066,251 | 01/31/2002 | Richard L. Hammons | 112-0020US | 2791 |
| 85197 7590 09/30/2009 Wong Cabello Lutsch Rutherford & Brucculeri LLP 20333 Tomball Parkway, 6th Floor Houston, TX 77070 | | | | |
| EXAMINER | | | | |
| NALVEN, ANDREW L | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2434 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/066,251

Applicant(s)

HAMMONS ET AL.

Examiner

ANDREW L. NALVEN

Art Unit

2434

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 54 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 17-21 and 54 is/are allowed.
6) ☒ Claim(s) 1, 3-16, 22-25, 27-29 is/are rejected.
7) ☐ Claim(s) 2 and 26 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-29 and 54 are pending.
2. PROSECUTION IS HEREBY REOPENED. Please the examiners expanded interpretation of the prior art of record with respect to applicants claim limitations, and the maintained final office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434

Response to Arguments

3. Applicant's arguments directed to the Battou and Zara references are moot in view of the new grounds of rejection.
4. Applicant's remaining arguments with respect to claims 1-29 and 54 have been considered but are not persuasive.
5. Applicant further argues that the combination of references fails to teach a DCC list associated with one or more rules for interaction between and among devices and comprising definitions that logically bind a port on the network configuration entity to one or more ports resident in the secure network. Examiner respectfully disagrees. Yamamoto teaches a DCC list associated with one or more rules for interaction between and among devices and comprising definitions that logically bind a port on the network configuration entity to one or more ports resident in the secure network (Yamamoto, Figure 11, paragraph 0042) by teaching a zoning method whereby rules are created that bind a particular port on a switch to other specific ports. Only when ports are bound to another port will a connection be allowed. Thus, by defining ports on which communication is allowed, Yamamoto defines rules for interaction between and among devices.
6. Applicant further argues that the combination of references fails to teach a list of devices authorized to participate in the secure network. Examiner respectfully

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disagrees. Yamamoto teaches a list of devices authorized to participate in the secure network (Yamamoto, paragraph 0001, paragraph 0096, paragraph 0098, paragraph 0120) by disclosing tables which detail which devices are allowed to be in communication with other devices. Yamamoto's tables define a "permission list" for defining the ports on which devices are allowed to communicate. Hence, to allow a device to participate in the network, that device must be granted authorization through this table to communicate over its specified ports (Yamamoto, paragraph 0096).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 1, 3-9, 11-16, 25, 27-29 are rejected under 35 U.S.C. 103(a)** as being anticipated by Yamamoto et al US PGPub 2003/0208589 in view of Hou et al "An Access Based Clustering Protocol for Multi-hop Wireless Ad hoc Networks."
8. **With regards to claims 1, 25, 27-29**, Yamamoto teaches a network configuration entity configured or adapted to exclusively control a defined set of management functions through a secure network (Yamamoto, paragraph 0059), said secured network comprising a plurality of switching devices (Yamamoto, paragraph 0001), and set said of management functions comprising recognition and operation

(Yamamoto, paragraphs 0119, 0128). Yamamoto fails to teach the management functions including succession. However, Hou teaches exclusive control over the recognition, operation and succession of the network configuration entity (Hou, page 6, Clusterhead chooses the next node which will be the clusterhead). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Hou's methods with Yamamoto because they offer the advantage of providing that redundant transitions between network configuration entities do not occur by reserving total control to a leading network entity (Hou, page 6).

9. **With regards to claim 3**, Yamamoto as modified teaches the set of management functions including rules for interaction between and among devices in the network (Battou, page 20 paragraphs 0304 through 0307).

10. **With regards to claim 4**, Yamamoto as modified teaches management functions including device connection controls indicating port relationships in said secure network (Yamamoto, paragraph 0098).

11. **With regards to claims 5-6**, Yamamoto as modified teaches a DCC list associated with one or more rules for interaction between and among devices and comprising definitions that logically bind a port on the network configuration entity to one or more ports resident in the secure network (Yamamoto, Figure 11, paragraph 0042).

12. **With regards to claims 7-8, 11-12**, Yamamoto as modified teaches the ports identified by the unique number that is a world wide name (Yamamoto, paragraph 0016).

13. **With regards to claim 9**, Yamamoto as modified teaches restricting management services to a defined set of endpoints (Battou, page 20 paragraph 0312, communicates with agents at OTSs).
14. **With regards to claims 13-14**, Yamamoto as modified teaches the network endpoints comprising uniquely identified device ports (Battou, page 20 paragraph 0312).
15. **With regards to claims 15-16**, Yamamoto as modified teaches the management functions including switch connection controls for designating devices to participate in the secure network (Yamamoto, paragraph 0001, 0096, 0098, 0120, Battou, page 20 paragraphs 0302 and 0306-0307).
16. **Claims 10, 22-24 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Yamamoto et al US PGPub 2003/0208589 and Hou et al "An Access Based Clustering Protocol for Multi-hop Wireless Ad hoc Networks", as applied to claim 1 above, and in further view of Scott et al US Patent No. 7,457,279.
17. **With regards to claims 10, 22-24**, Yamamoto as modified teaches everything described above, but fails to teach a MAC list for storing an indication of network endpoints from which management access is acceptable. Scott teaches a MAC list for storing an indication of network endpoints from which management access is acceptable (Scott, column 33 line 49 – column 34 line 10, management access control list). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Scott's MAC list because it offers the advantage of

providing a method of ensuring that only authorized systems are able to perform management level administration on the network (Scott, column 34 lines 1-10).

Allowable Subject Matter

18. Claims 2 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

19. Claims 17-21 and 54 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW L. NALVEN whose telephone number is (571)272-3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Andrew L Nalven/

Primary Examiner, Art Unit 2434

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434